

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

JOHNNIE H. LAMBERT,

Plaintiff,

vs.

DANTE F. VACCA, *et al.*,

Defendants.

3:11-cv-00093-RCJ-RAM

**ORDER**

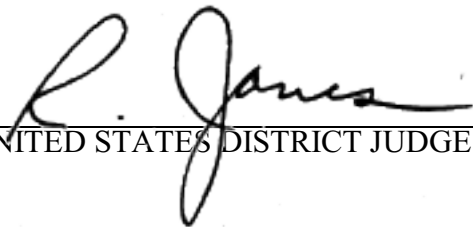
This is a prisoner action brought pursuant to 42 U.S.C. § 1983. On May 11, 2011, this court dismissed this action for failure to state a claim for which relief may be granted (docket #8) and entered judgment (docket #10), and plaintiff's motion for reconsideration of the Screening Order (docket #13) was denied on July 22, 2011 (docket #14). Plaintiff filed a notice of appeal on August 1, 2011 (docket #15).

On August 4, 2011, the Ninth Circuit Court of Appeals referred this matter to this court for the limited purpose of determining whether *in forma pauperis* status should continue for the appeal of the denial of the motion for reconsideration or whether the appeal is frivolous or taken in bad faith (docket #18). This court certifies that any *in forma pauperis* appeal from its Order would not be taken "in good faith" pursuant to 28 U.S.C. § 1915(a)(3). *See Coppedge v. United States*, 369 U.S. 438, 445

1 (1962); *Gardner v. Pogue*, 558 F.2d 548, 550 (9th Cir. 1977) (indigent appellant is permitted to proceed  
2 *in forma pauperis* on appeal only if appeal would not be frivolous).

3 **IT IS THEREFORE ORDERED** that this court **CERTIFIES** that any *in forma*  
4 *pauperis* appeal from its Order dated July 22, 2011 (docket #14) would not be taken “in good faith”  
5 pursuant to 28 U.S.C. § 1915(a)(3).

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8 DATED this 16th day of September, 2011.

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12 UNITED STATES DISTRICT JUDGE  
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